

REMARKS

Claims 3 and 6-8 are pending in the present application. Claims 3 and 6-8 are rejected. Claim 6 is herein canceled. No new matter has been presented.

Claim Rejections - 35 U.S.C. §102(e)

Claims 3 and 6-8 are rejected under 35 U.S.C. §102(e) as being anticipated by Kameyama et al. (see paragraphs 0028, 0043, 0049, 0052 and 0066).

Applicants note that the present application was filed as October 19, 2005 as national phase of PCT/JP/2004/005548, filed on April 19, 2004, and claiming priority to JP 2003-115650 filed April 21, 2003. An English language translation of the international PCT application was submitted upon entry into the US national phase; therefore Applicants are presently entitled to an effective filing date of April 19, 2004. Applicants are entitled to an earlier priority date of April 21, 2003 upon the present submission of a verified English translation of priority document JP 2003-115650, which fully supports the pending claims.

The Examiner does not explicitly state which reference he is using; he merely refers to Kameyama et al. Applicants note in the office action the form PTO-982 indicates US 20060098137 to Kameyama et al. is the lone cited reference, so Applicants presume this is the referenced Kameyama et al.

Applicants note that Kameyama et al., co-assigned with the present Assignee, was filed as PCT/JP03/09367 on July 24, 2003. US 20060098137 to Kameyama et al. published on May 11, 2006. Therefore, by virtue of the present application's filing date of April 19, 2004, the present application predates the effective date of Kameyama et al. Therefore, Kameyama et al. should not be available for use in a rejection under any sections of 35 U.S.C. §102.

However, the international application of Kameyama et al., PCT/JP03/09367 published as WO2004019086 on March 4, 2004. Such publication date, earlier than the effective filing date of the present invention of April 19, 2004, would enable WO2004019086 to be applied as a reference against the present application under 35 U.S.C. §102(a) and §102(e).

Applicants are entitled to the earlier filing date of April 21, 2003 of priority document JP 2003-115650 upon the present submission of a verified English translation of the priority document, because the priority document fully supports the presently claimed invention.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 10/553,958
Attorney Docket No. 053230

Amendment under 37 C.F.R. §1.111
Amendment filed April 28, 2009

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Kenneth H. Salen
Attorney for Applicants
Registration No. 43,077
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

KHS/adp

Attachment: Verified English translation JP2003-115650